

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FISH, WILDLIFE AND PARKS**

**Call to Order:** By **CHAIRMAN JOE BALYEAT**, on April 1, 2003 at 3:29 P.M., in Room 152 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Joe Balyeat, Chairman (R)  
Rep. George Golie, Vice Chairman (D)  
Rep. Michael Lange, Vice Chairman (R)  
Rep. Debby Barrett (R)  
Rep. Paul Clark (D)  
Rep. Jill Cohenour (D)  
Rep. George Everett (R)  
Rep. Tom Facey (D)  
Rep. Daniel Fuchs (R)  
Rep. Steven Gallus (D)  
Rep. Carol Gibson (D)  
Rep. Gail Gutsche (D)  
Rep. Larry Jent (D)  
Rep. Bob Lake (R)  
Rep. Don Roberts (R)  
Rep. Allen Rome (R)  
Rep. Scott Sales (R)  
Rep. Jim Shockley (R)  
Rep. Pat Wagman (R)  
Rep. Sandy Weiss (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Kathleen Ely, Committee Secretary  
Doug Sternberg, Legislative Branch

**Video-taped Committee:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society. THE TIME STAMP REPRESENTS ELAPSED TIME.

**Committee Business Summary:**

Hearing & Date Posted: SB 392, 3/11/2003  
Executive Action: SB 336, BE CONCURRED IN AS AMENDED,  
14-6  
SB 184, TABLED  
SB 395, BE CONCURRED IN AS AMENDED,  
11-9  
SB 442, BE CONCURRED IN AS AMENDED,  
15-5  
SB 250, TABLED  
SB 209, BE CONCURRED IN, 13-7

**HEARING ON SB 392**

**Opening Statement by Sponsor:**

0:00 **SEN. BALES, SD 1 -- Short Title:** Revise authority over  
habitat and hunting management.

**Proponents' Testimony:**

06:00 John Bloomquist, Montana Stockgrowers Association  
13:00 Jim Hagenbarth, Montana Stockgrowers Association  
19:00 Scott Castle  
24:00 Jay Bodner, Montana Association of State Grazing  
Districts

**Opponents' Testimony:**

27:00 Jeff Hagener, Department of Fish, Wildlife and Parks  
**EXHIBIT(fih69a01)**  
38:00 John Wilson, Montana Trout Unlimited  
44:00 Janet Ellis, Montana Audubon Society  
**EXHIBIT(fih69a02)**

**Informational Testimony:**

46:00 Jean Johnson, Montana Outfitters and Guides Association

**Questions from Committee Members and Responses:**

47:00  
**EXHIBIT(fih69a03)**

**Closing by Sponsor:**

1:34:00

**EXECUTIVE ACTION ON SB 336**

**Motion:** REP. GOLIE moved that SB 336 BE CONCURRED IN.

**Motion:** REP. GUTSCHE moved that SB 336 BE AMENDED.  
**EXHIBIT(fih69a04)**

Motion/Vote: REP. GIBSON moved that THE PORTION OF SECTION THREE OF THE AMENDMENT TO SB 336 WHICH READS "PRIOR TO OCTOBER 1, 2013" BE SEGREGATED. [This is a nondebatable motion which is automatically implemented.] Motion carried 17-3 with REPS. BARRETT, GOLIE, and LANGE voting no by roll call vote.

Motion: REP. GUTSCHE moved that SB 336 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. BALYEAT moved that SECTION THREE OF THE AMENDMENT TO SB 336 BE PASSED. Motion carried 19-1 with REP. LAKE voting no by voice vote.

Motion: REP. GUTSCHE moved that SB 336 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. CLARK moved that SB 336 BE CONCEPTUALLY AMENDED TO DIRECT \$.50 TO FISHING ACCESS AND \$.25 TO VIRGINIA CITY. Motion carried 16-4 with REPS. GOLIE, JENT, LAKE, and ROBERTS voting no by voice vote.

Motion: REP. GUTSCHE moved that SB 336 BE CONCURRED IN AS AMENDED.

Motion: REP. WAGMAN moved that SB 336 BE AMENDED. Motion carried 12-8 with REPS. BALYEAT, COHENOUR, FACEY, FUCHS, GIBSON, GOLIE, LANGE, and ROBERTS voting no by roll call vote.  
**EXHIBIT**(fih69a05)

Motion/Vote: REP. GOLIE moved that SB 336 BE CONCURRED IN AS AMENDED. Motion carried 14-6 with REPS. BALYEAT, CLARK, FUCHS, JENT, ROBERTS, and WEISS voting no by roll call vote.

EXECUTIVE ACTION ON SB 184

**EXHIBIT**(fih69a06)  
**EXHIBIT**(fih69a07)

Motion: REP. SALES moved that SB 184 BE CONCURRED IN.

Motion: REP. LANGE moved that SB 184 BE AMENDED.  
**EXHIBIT**(fih69a08)

Substitute Motion/Vote: REP. FACEY made a substitute motion that SB 184 BE TABLED. Substitute motion failed 10-10 with REPS. COHENOUR, EVERETT, FACEY, GALLUS, GIBSON, GOLIE, GUTSCHE, JENT, LAKE, and WEISS voting aye by roll call vote.

Vote: Motion to amend failed 10-10 with REPS. BALYEAT, BARRETT, CLARK, FUCHS, LANGE, ROBERTS, ROME, SALES, SHOCKLEY, and WAGMAN voting aye by voice vote.

Motion/Vote: REP. SALES moved that SB 184 BE AMENDED. Motion failed 5-15 with REPS. BARRETT, FUCHS, SALES, SHOCKLEY, and WAGMAN voting aye by voice vote.

**EXHIBIT**(fih69a09)

Motion/Vote: REP. SALES moved that SB 184 BE CONCURRED IN. Motion failed 1-19 with REP. WAGMAN voting aye by roll call vote.

6:07 p.m. Break

6:17 p.m. Resume

EXECUTIVE ACTION ON SB 395

Motion: REP. FUCHS moved that SB 395 BE CONCURRED IN.

Motion/Vote: REP. LANGE moved that SB 395 BE AMENDED. Motion failed 7-13 with REPS. BALYEAT, COHENOUR, GIBSON, GOLIE, LANGE, ROME, and WAGMAN voting aye by voice vote.

**EXHIBIT**(fih69a10)

Motion: REP. LANGE moved that SB 395 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. LANGE moved that SB 395 BE AMENDED. Motion failed 5-15 with REPS. BALYEAT, COHENOUR, GOLIE, LANGE, and ROBERTS voting aye by voice vote.

**EXHIBIT**(fih69a11)

Motion: REP. LANGE moved that SB 395 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. BALYEAT moved that SB 395 BE AMENDED. Motion carried 16-4 with REPS. BARRETT, FACEY, GUTSCHE, and WEISS voting no by voice vote.

**EXHIBIT**(fih69a12)

Motion: REP. LANGE moved that SB 395 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. CLARK moved that SB 395 BE AMENDED. Motion failed 10-10 with REPS. BALYEAT, BARRETT, CLARK, COHENOUR,

EVERETT, FUCHS, GALLUS, LAKE, SALES, and SHOCKLEY voting aye by roll call vote.

**EXHIBIT**(fih69a13)

Motion/Vote: REP. CLARK moved that SB 395 BE AMENDED. Motion failed 9-11 with REPS. BALYEAT, BARRETT, CLARK, COHENOUR, EVERETT, FUCHS, GOLIE, ROBERTS, and ROME voting aye by roll call vote.

**EXHIBIT**(fih69a14)

Vote: Motion carried 11-9 with REPS. CLARK, COHENOUR, FACEY, GALLUS, GIBSON, GOLIE, GUTSCHE, JENT, and WEISS voting no by voice vote.

EXECUTIVE ACTION ON SB 442

Motion: REP. FACEY moved that SB 442 BE CONCURRED IN.

Motion/Vote: REP. FACEY moved that SB 442 BE AMENDED. Motion carried 19-1 with REP. GOLIE voting no by voice vote.

**EXHIBIT**(fih69a15)

Substitute Motion: REP. SHOCKLEY made a substitute motion TO DELETE BOTH LISTS IN SB 442 AND HAVE THE DEPARTMENT MAKE THE LIST BY RULE.

REP. SHOCKLEY withdrew his Motion.

Motion/Vote: REP. FACEY moved that SB 442 BE CONCURRED IN AS AMENDED. Motion carried 15-5 with REPS. BALYEAT, BARRETT, EVERETT, FUCHS, and SALES voting no by roll call vote. REP. HAINES will carry SB 442.

Amendment submitted but not introduced or acted upon.

**EXHIBIT**(fih69a16)

EXECUTIVE ACTION ON SB 250

Motion: REP. FACEY moved that SB 250 BE CONCURRED IN.

Substitute Motion/Vote: REP. LANGE made a substitute motion that SB 250 BE TABLED. Substitute motion carried 17-3 with REPS. FUCHS, GALLUS, and SHOCKLEY voting no by roll call vote.

CHAIRMAN BALYEAT ruled that there had been confusion in an understanding of the vote so it was retaken at that time.

Substitute Motion/Vote: REP. LANGE made a substitute motion that SB 250 BE TABLED. Substitute motion carried 11-9 with REPS. BALYEAT, BARRETT, COHENOUR, FUCHS, GALLUS, GIBSON, GOLIE, JENT, and ROME voting no by roll call vote.

EXECUTIVE ACTION ON SB 209

Motion/Vote: REP. BARRETT moved that SB 209 BE CONCURRED IN. Motion carried 13-7 with REPS. CLARK, COHENOUR, GIBSON, GOLIE, GUTSCHE, JENT, and WEISS voting aye by roll call vote.

**ADJOURNMENT**

Adjournment: 7:39 P.M.

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REP. JOE BALYEAT, Chairman

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KATHLEEN ELY, Secretary

JB/KE

**EXHIBIT (fih69aad)**